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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

12 Ronald Dean Young,) Case No.: 3:21-cv-0244-CSD

13 Plaintiff,)

14 v.)

15 KILOLO KIJAKAZI,)
Commissioner of Social Security,¹)

16 Defendant.)

17 _____) **UNOPPOSED MOTION FOR
EXTENSION OF TIME
(FIRST REQUEST)**

18
19 Defendant, the Commissioner of Social Security (the “Commissioner”), through the
20 undersigned counsel, hereby requests an extension of time to file her Cross-Motion to Affirm and
21 Response to Plaintiff’s Motion for Reversal and/or Remand in this case. In support of this request, the
22 Commissioner respectfully states as follows:

23 1. Primary responsibility for handling this case has been delegated to the Office of the

24
25 ¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to
Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore,
26 for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by
reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).

2 2. Defendant’s response to Plaintiff’s opening brief is currently due March 31, 2022.

3 Defendant has not previously requested an extension of time for this deadline.

4 3. The Region IX Office currently handles all district and circuit court litigation involving
5 the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and Guam.

6 4. The Region IX Office employs 43 staff attorneys, of whom 29 are actively handling
7 civil litigation involving the Social Security program in the eight assigned jurisdictions. Most of the
8 attorneys who handle program litigation cases have additional responsibilities, such as litigating in
9 other practice areas described below, acting as Jurisdictional leads, reviewing the work product of
10 junior attorneys, conducting trainings, and participating in national workgroups. In addition, because
11 of attorneys taking unexpected leave or resigning, the Region IX Office has had to re-assign dozens of
12 cases and substitute in new counsel who have had to absorb these re-assigned cases into their existing
13 caseloads.

14 5. As of January 13, 2022, the Region IX Office had 344 district court briefs due in the
15 next thirty days in the jurisdictions it handles. In addition, the Region IX Office has 12 appellate cases
16 pending for briefing.

17 6. In addition to “program” litigation, the Region IX Office provides a full range of legal
18 services as counsel for the Social Security Administration, in a region that covers four states
19 (including the most populous state in the nation) and three territories. These other workloads include
20 employment litigation; civil rights investigations; bankruptcy matters; and requests for legal advice on
21 wide-ranging topics, including Regional office client requests for advice on program issues, employee
22 conduct and performance, reasonable accommodation, hostile work environment, ethics, Privacy Act
23 and disclosure, and torts. Because of the high volume of program litigation cases, the Region IX
24 Office has had to focus its efforts on processing only other workloads that are subject to statutory,
25 regulatory, and court deadlines.

1 7. The undersigned attorney has 21 briefs due in district court cases over the next 60 days,
2 with 13 of those briefs due in the next 30 days. She also has one appellate brief due in the next 30
3 days. Starting March 30, 2022, she will be taking one and half weeks leave in order to move to
4 another state. The undersigned is also the lead attorney in this office's legal opinion and advice
5 workgroup, which currently has 15 pending requests for advice and guidance.

6 7. Due to the volume of the overall workload within the Region IX Office, neither the
7 undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete
8 briefing by the current due date of March 31, 2022. Therefore, Defendant seeks an extension of 60
9 days, until May 31, 2022 to respond to Plaintiff's motion.

10 8. This request is made in good faith and is not intended to delay the proceedings in this
11 matter.

12 9. On March 24, 2022, counsel for Defendant conferred with Plaintiff's counsel, who has
13 no opposition to this motion.

14 WHEREFORE, Defendant requests until May 31, 2022, to respond to Plaintiff's Motion for
15 Reversal and/or Remand.

16 || Dated: March 29, 2022

Respectfully submitted,

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Sathya Oum
SATHYA OUM
Special Assistant United States Attorney

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: March 29, 2022